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(JC)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,608	12/27/2000	Albert S. Lui	CSCO-94301	1440
7590	04/19/2005		EXAMINER	
WAGNER, MURABITO & HAO LLP			JUNG, MIN	
Third Floor			ART UNIT	PAPER NUMBER
Two North Market Street				
San Jose, CA 95113			2663	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,608	LUI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Min Jung	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 08 November 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-23,25-32,38 and 40 is/are allowed.  
 6) Claim(s) 24,33 and 39 is/are rejected.  
 7) Claim(s) 34-37 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 24 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada, US 5,715,285.

Yamada discloses a data transmission system having a transmission apparatus and a receiving apparatus connected by a network. Specifically, Yamada teaches a source device for generating and transmitting data representing a received timing reference signal (Fig. 1, and col. 6, lines 28-32, the system clock signal 20 is received

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by the time information generation circuit 14); a target device for receiving the data representing the timing reference signal and for synchronizing a synthesized timing reference signal to the timing reference signal (Fig. 2, and col. 6, lines 47-59, and col. 7, lines 1-14); and a network for coupling the source device and the target device (ATM network 17).

3. Claims 39 is rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al., US 6,574,225 (Reynolds).

Reynolds discloses a clock recovery in a packet based data network. Specifically, Reynolds teaches a method for synthesizing and synchronizing a timing reference signal in a network, having the steps of : generating a constant frequency signal at a target device (slave node 108 including a controlled oscillator 160, Fig. 1); generating data representing the constant frequency signal (slave media time counter 146, col. 3, lines 56-59); receiving a network packet containing data representing a timing reference signal at the target device from a source device (slave transmission interface 126 receiving a packet including the latched value of the master media time counter, col. 3, lines 23-26); extracting the data representing the timing reference signal from the network packet (extracting the latched value of the master media time counter, col. 3, lines 23-26, and lines 59-62); comparing the data representing the timing reference signal with the data representing the constant frequency signal (comparator 152, col. 3, lines 62-63); adjusting the constant frequency signal based on the comparison of the timing reference signal and the constant frequency signal (the

difference from the comparison is used to control the CO 160 thereby attempting to lock on both the phase and frequency of the slave time counter to that of the master time counter, col. 3, line 64 – col. 4, line 5).

### ***Response to Arguments***

4. Applicant's arguments filed November 8, 2004 have been fully considered but they are not persuasive. Claim 39 has not been amended, but argued as if an amendment has been made.

### ***Allowable Subject Matter***

5. Claims 1-23, 25-32, 38, and 40 are allowed.

6. Claims 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Rabenko et al. Patent, the Muntz et al. Patent, and the Holloway et al. patent are cited for further references.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ  
April 15, 2005



Min Jung  
Primary Examiner